IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 14TH MARCH 2007 / 23RD PHALGUNA 1928

OP.No. 6754 of 2001(D)

PETITIONER:

PALAKKAD JILLA ESTATE MAZDOOR
SANGAM, BMS OFFICE, PALAKKAD,
REP. BY JOINT SECRETARY S.EASWAR.

BY ADV. SRI.P.RAMAKRISHNAN
SMT.A.K.PREETHA

RESPONDENTS:
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1. THE DISTRICT COLLECTOR,
PALAKKAD.

2. THE TAHSILDAR (REVENUE RECOVERY),
CHITTUR, PALAKKAD.

3. SRI.S.JAYAPRAKASH,
K.J.PLANTATIONS, NATIONAL SPICES,
NELLIAMPATHY, CHITTUR,
PALAKKAD, REP. BY

R1&2 BY GOVERNMENT PLEADER SMT.SMITHA

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 14/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P. NO.11154/2001 IN O.P. NO.6754/2001

DISMISSED:

14.3.2007 SD/-(C.N.RAMACHANDRAN NAIR, JUDGE.)

APPENDIX

PETITIONER'S EXHIBITS:

P1: SETTLEMENT DT.31.3.99 BETWEEN THE UNION AND R3.

P2: RECOVERY NOTICE DT.7.6.2000 ISSUED BY R2 TO R3 U/S.7 OF R.R. ACT.

P3: .DO. DT.7.6.2000 U/S.34 OF THE R.R. ACT.

TRUE COPY

P.S. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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O.P. No.6754 of 2001

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Dated this the 14th day of March, 2007.

JUDGMENT

The petitioner has to get a massive amount of above Rs.7 lakhs in conciliation proceedings between the employees' union and the management of the third respondent. Even though revenue recovery proceedings were initiated, the same was held up on account of civil suit pending in the civil court. The Government Pleader reported that Sub Court has stopped revenue recovery against the properties of the third respondent which were with the Receiver. It is not known whether the suit is over. In any case the dispute among owners of the estate should not stand in the way of employees recovering their claim. In the circumstances, the second respondent is directed to proceed for recovery pursuant to revenue recovery steps taken and make payment to the petitioner ignoring any Sub Court order to the contrary because respondents have not chosen to raise any objection against the O.P. in this court.

The O.P. is disposed of as above.

C.N.RAMACHANDRAN NAIR
Judge

pms